

REMARKS

Claims 1-4 and 6-11 were rejected, 35 USC 102(b), as anticipated by US patent 6,029,407 ("Schillero, Jr.") This rejection is respectfully traversed. Claim 1 recites a support structure, a magnetic element and a switching device, and requires the switching device to be "rotatable between an operating position . . . and a non-operating position", that, in the operating position, the magnetic element secures the support device to the formwork surface, and that, in the non-operating position, the magnetic element does not secure the support device to the formwork surface.

The legends added (on page 3 of the Official action) to Fig. 1 of Schillero, Jr. make it clear that the rejection on that patent is based on an interpretation that the arms 22, 24 and 28 of the reference constitute at least part of "the switching device" recited by the portions of claim 1 of the instant application quoted or paraphrased in the previous paragraph. It is clear, however, that the portion of the Schillero, et al. apparatus which includes the arms 22, 24 and 28 does not disclose the part of claim 1 in question because there is nothing in the reference with a magnetic element which secures the support device to the framework. Instead, the reference says:

"The base member 20 preferably includes a pair of spaced apart arms 22, 24, which are pivotably connected to the second cross member 18 via brackets 26. Thus, the frame 10 is pivotable with respect to the base member 20. The pair of spaced-apart arms 22, 24 preferably form a Y-shaped base member 20 connected to the brackets 26. The third arm 28 can be pivoted or rotated between a storage or folded position, shown in FIG. 4 and FIG. 5, and a working position, shown in FIG. 2 and FIG. 3. Likewise, the pair of arms 22, 24 are pivoted or rotated about the second cross member 18 between a storage position and a working position." (column 3, lines 18-30)

The reference neither discloses nor suggests the structure of claim 1 nor that of dependent claims 2-4 and 6-11 and, therefore, neither anticipates the claims nor makes

them obvious. Reconsideration and withdrawal of the rejection of claims 1-4 and 6-11 on Schillero, Jr. are respectfully requested.

The rejection of claims 1-4 and 6-8, 10,15, 16, 22-24, 26-30, 33 and 34, 35 USC 102(e), as anticipated by US patent 6,547,209 ("Vappula.") is also respectfully traversed. Vappula discloses a mold side system for a concrete mold. The citation has a frame 1 and a tiltable part 3 having a magnet 2 fixed to it by an adjustable screw 5 – ie the magnet 2 does not move relative to tiltable part 3, but rather with it, as screw 5 does not move relative to tiltable part 3. To place the device of the citation into an operating position, the tiltable part must be rotated about axle 10 towards the formwork surface. To move the device of the citation into a non-operating position, the tiltable part must be rotated about axle 10 away the formwork surface. While the tiltable part may be moved in an operating position by using a user's foot, a separate lever is required to disengage the magnet 2 to move it to a non-engaging position. Insofar as is pertinent to Vappula, claim 1, as stated above

"recites a support structure, a magnetic element and a switching device, and requires the switching device to be 'rotatable between an operating position . . . and a non-operating position', that, in the operating position, the magnetic element secures the support device to the formwork surface, and that, in the non-operating position, the magnetic element does not secure the support device to the formwork surface."

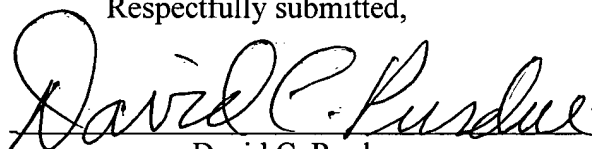
The other claims included in the subject rejection include the same or analogous recitations or are dependent on a claim which includes the same or analogous recitations. Vappula neither discloses nor suggests the indicated limitations and, therefore, neither anticipates the subject claims nor makes them obvious. Independent claims 1, 15, 33 and 34 have been amended to further distinguish the claimed invention from Vappula (and, indeed, from the other cited references) and these claims now recite a pinned connection coupling the switching device to the magnetic element, such that the switching device is rotatable independently of the magnetic element.

The rejection of claims 9 and 32 (35 USC 103(a)) on Vappula is respectfully traversed. These claims are dependent upon claim 1, which is believed to be patentable for reasons set forth above; therefore, claims 9 and 32 are also believed to be patentable.

The rejection of claims 12-14, 17 and 18 (35 USC 103(a)) on Vappula in view of Petrobon (US publication 20030155683) is respectfully traversed. These claims are dependent upon claim 1, which is believed to be patentable over Vappula for reasons set forth above. Accordingly, claims 12-14 and 17 are believed to be patentable over Vappula in view of Petrobon.

Reconsideration and withdrawal of the several grounds for rejection and allowance of the subject application are respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, reading "David C. Purdue". The signature is written in dark ink and is positioned above the printed name and registration number.

David C. Purdue
Registration No. 31,412

Purdue Law Offices
2735 N. Holland-Sylvania Road, Suite B-2
Toledo, Ohio 43615-1844
Telephone: Voice: (419) 531-0599
Fax: (419) 531-0362